

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:10-CR-21-1-BO**

JAMES FULLER,)	
Petitioner,)	
)	
v.)	<u>NOTICE AND ORDER</u>
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

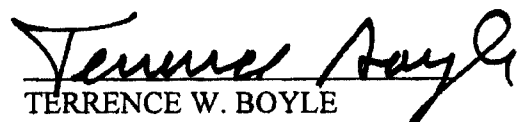
The Petitioner, James Fuller, is hereby **NOTIFIED** that the Court intends to re-characterize and construe his motion for writ of coram nobis [DE 125] as a motion to vacate, set aside or correct a sentence pursuant to 28 U.S.C. § 2255.

The Court **ALLOWS** Petitioner thirty (30) days from the filing of this Notice to confirm or deny his intent to file a motion pursuant to 28 U.S.C. § 2255. If Petitioner does not timely respond to this Notice, the Court will presume that Petitioner is not seeking such relief and his motion will be dismissed without prejudice. Should Petitioner timely notify this Court of his intention to file a motion to vacate, set aside or correct pursuant to 28 U.S.C. § 2255, the Clerk is **DIRECTED** to provide Petitioner with the appropriate forms on which to file such a motion.

Pursuant to the cases of *Castro v. United States*, 540 U.S. 375, 377, 383 (2003) and *United States v. Blackstock*, 513 F.3d 128, 130-32(4th Cir. 2008), the Court now **ADVISES** Petitioner of the effects and requirements of filing a motion to vacate, set aside or Correct a Sentence pursuant to 28 U.S.C. § 2255.

This matter is also before the Court on petitioner's "motion to request plea agreement and motion for sentence transcripts and motion for all-trial motions by defense counsel." This motion for court documents is **DENIED**.

DONE AND ORDERED, this 12 day of September, 2012.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE